

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES FOR THE MASON  
TENDERS DISTRICT COUNCIL  
WELFARE FUND, PENSION FUND,  
ANNUITY FUND, AND TRAINING  
PROGRAM FUND;  
JOHN J. VIRGA *in his fiduciary  
capacity as director; and* ROBERT  
BONANZA *as Business Manager of the  
Mason Tenders District Council of  
Greater New York,*

Petitioners,

– against –

PREVEZA CONSTRUCTION CORP.,  
Respondent.

**ORDER**

15 Civ. 7195 (ER)

RAMOS, D.J.:

The petitioners moved this Court on February 28, 2020 to issue summary judgment and confirm an arbitration award made on September 13, 2014 against the respondent. Doc. 10. The petitioners allege that the respondent is delinquent in payments that should have been made to the petitioners between 2009 and 2013. In the declaration filed in support, the petitioners indicate that the respondent was bound by a “2009–2014 Project Labor Agreement Covering Specified Construction on Behalf of the New York City School Construction Authority” (the “2009–2014 Agreement”). Decl. of Haluk Savci (“Savci Decl.”) ¶ 7, Doc. 11.

The petitioners do not attach the 2009–2014 Agreement to their motion. Rather, they include another document covering a different time period titled “Project Labor Agreement Covering Specified Construction Work Under the Capital Improvement and Restructuring Programs (2005–2009)” (the “2005–2009 Agreement”). The petitioners do

not detail in their declaration or their memorandum how the 2005–2009 Agreement mandates arbitration for disputes concerning payments that should have been made between 2009 and 2013.

Should the petitioners wish for the Court to consider the 2009–2014 Agreement in its determination on a motion for summary judgment of whether the parties had an operative and binding arbitration clause covering their dispute, they are ORDERED to file a supplemental declaration with the 2009–2014 Agreement attached by May 1, 2020.

It is SO ORDERED.

Dated: April 9, 2020  
New York, New York



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EDGARDO RAMOS, U.S.D.J.